

1 MITCHELL D. GLINER, ESQ.
2 Nevada Bar #3419
3 3017 West Charleston Blvd., #95
4 Las Vegas, Nevada 89102
5 702-870-8700
6 702-870-0034 Fax
7 Attorney for Plaintiff

FILED - RECEIVED
ENTERED - SERVED ON
2005 OCT 20 PM 3:50
CLERK'S OFFICE, U.S. DISTRICT COURT
FOR THE DISTRICT OF NEVADA
MJ

2005 OCT 20 PM 3:50

5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 MILTON LIZAMA, {
9 Plaintiff, {
10 v. {
11 EXPERIAN INFORMATION {
12 SOLUTIONS, INC., {
13 Defendant. {
14 CV-S-05-1266-RLH-PAL
15 JURY DEMANDED

16 COMPLAINT

17 JURISDICTION

18 1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section
19 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division
20 of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant
21 perpetrated therein.

22 PRELIMINARY STATEMENT

23 2. The Plaintiff brings this action for damages based upon Defendant's
24 violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (hereinafter referred
25 to as "FCRA"), and of state law obligations brought as supplemental claims.

26 3. Plaintiff is a natural person and is a resident and citizen of the State of
27 Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the
28 FCRA.

4. The Defendant Experian Information Solutions, Inc. ("Experian"), is a
corporate entity licensed to do business in the State of Nevada.

1 5. Experian is a consumer reporting agency, as defined in § 1681(f) of the
2 FCRA, regularly engaged in the business of assembling, evaluating, and dispersing
3 information concerning consumers for the purpose of furnishing consumer reports, as
4 defined in § 1681a(d) of the FCRA, to third parties.

FACTUAL ALLEGATIONS

6 6. Plaintiff's creditworthiness has been repeatedly compromised by the acts,
7 obduracy and general indifference of the Defendant.

8 7. Plaintiff is a forgery victim.

9 8. During April 2003, Plaintiff's signature was forged on a vehicle sales contract
10 subsequently assigned to Triad Financial Corporation (TFC).

11 9. TFC had reported the fraudulent account as both a repossession and a
12 \$9,600.00 charge-off.

13 10. On October 15, 2004, Plaintiff disputed TFC's reporting with Defendant
14 (Exhibit 1).

15 11. In Exhibit 1, Plaintiff advised Defendant of the fraud and the disparity in the
16 interest rates between the original contract (4.85%) and the fraudulent contract assigned
17 to TFC (17%).

18 || 12. Plaintiff provided Defendant copies of the contracts.

19 13. On November 3, 2004 Defendant verified the \$9,600.00 charge-off (Exhibit
20 2).

21 14. Plaintiff's June 20, 2005 profile reflects Defendant's continued reporting of
22 the fraudulent TFC account (Exhibit 3).

STATEMENT OF CLAIM AS AGAINST DEFENDANT

24 15. In the entire course of its action, Defendant willfully and/or negligently violated
25 the provisions of the FCRA in the following respects:

26 a. By willfully and/or negligently failing, in the preparation of the
27 consumer reports concerning Plaintiff, to follow reasonable

procedures to assure maximum possible accuracy of the information in the reports.

b. By willfully and/or negligently failing to comport with FCRA § 1681i.

PRAYER FOR RELIEF

THEREFORE, Plaintiff prays that the Court grant the following relief as against

Defendant:

- a. actual damages;
- b. punitive damages;
- c. attorney's fees; and
- d. costs.

Respectfully submitted,

MITCHELL D. GLINER, ESQ.
Nevada Bar #3419
3017 West Charleston Boulevard
Suite 95
Las Vegas, Nevada 89102
Attorney for Plaintiff

EXHIBITS

FILE COPY

October 15, 2004

Experian Credit Reporting Agency
P.O. Box 9701
Allen, TX 75013

Dear Sir or Madame:

I am writing to dispute the following information in my file. The item I dispute is also circled on the attached copy of the report I received. I dispute the Triad Financial Corp. automobile repossession and balance due report.

This item is inaccurate because my signature was forged on the contract assigned to Triad Financial. Enclosed is a copy of the vehicle sales contract at 17% APR assigned to Triad Financial by Auto Tech dated April 17, 2003 showing me as the sole purchaser of the vehicle which is for the referenced account. That is not my signature on that contract.

Also enclosed is a copy of a vehicle sales contract at 4.850% APR also dated April 17, 2003 showing myself and Jorge Escalon-Melgar as co-purchasers, which is the contract I thought was correct. So far as I know, Triad Financial was not assigned this contract.

Please reinvestigate this matter and delete the disputed item as soon as possible.

Sincerely,



Milton Lizama

cc: Triad Financial Corp.

EXHIBIT /

Experian

Correction Summary**About our verification process**

The following shows the revision(s) made to your file as a result of our verification. If you still question an item, then you may want to contact the source of the information.

The federal Fair Credit Reporting Act states that you may:

- request a description of how we verified the information, including the business name and address contacted and the telephone number if reasonably available;
- add a statement disputing the accuracy or completeness of the information; and
- request that we send these results to organizations who have reviewed your credit report in the past two years for employment purposes or six months for any other purpose (twelve months for residents of Colorado, Maryland, and New York).

If no information follows, our response appeared on the previous page.

Items we investigated		Outcome
<i>Items</i>	Credit items	
	TRIAD FINANCIAL CORP 4000015001011....	<i>Remains</i>
	Personal information	<i>Updated</i>
	Name	

If you have questions
Locate your Report Number,
then contact us **within 90 days** from the date on this report.

For efficient, self-directed service, **log on to** www.experian.com/disputes. For assistance, call **800 583 4080** M - F 9am - 5pm in your time zone.

To order a copy of your Experian Credit Score, call 1 888 322 5583.

Protect and manage your credit with Credit Manager, www.creditexpert.com

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

EXHIBIT 2

Page 5 of 6

Report number
3040125159

continued

1975

Customer (Name and address) (up to 10 lines)		Date opened/ Reported since	Date of status/ Last reported	Type/ Terms/ Monthly payment	Original amount/ High balance	Credit limit or original amount/ High balance	Recent balance/ Recent payment	Status Details
QUANTUM COLLECTIONS 3224 CIVIC CENTER DR NORTH LAS VEGAS NV 89030 356149252		3-2003/ 2-2003	2-2003/ 2-2003	Installment/ 1 Months/ \$0	\$807 / NA	\$807 / NA	\$807 as of 2-2003/	Status: Collection account. \$807 past due as of 2-2003. Account history: Collection as of 2-2003

Original creditor: LAS VEGAS ATHLETIC CLUB

4- TRIAD FINANCIAL CORP
 7711 CENTER AVE STE 250
 HUNTINGTON BEACH CA
 92647
 4000015001011....


Original creditor: A.F.S. ASSIGNEE OF RNB -
MERVYN'S
NILES IL 60714
4262849

Original creditor: A.F.S. ASSIGNEE OF RNB - MERVY					
5	ARROW FINANCIAL SERVICE 5996 W TOUHY AVE NILES IL 60714 4262849	3-1999/ 7-2002	7-2002/ 7-2002	Installment/ NA/ \$0	Individual NA
					\$651 / NA
6	BANK OF AMERICA 1825 E BUCKEYE RD PHOENIX AZ 85034	1-2002/ 2-2002	10-2004/ 10-2004	Revolving/ NA/ \$25	\$3,500 / \$1,430 \$943 as of 10-2004/ Status: Open/Never late.

experian

Prepared for
MILTON LIZAMA
Report date
June 20, 2005
Report number
077335986
www.experian.com/disputes

Before contacting us, you should carefully review this report.

Disputing information in your report

If you disagree with an item, you may dispute it. We will contact the source of the information and ask them to check their records. Because your report is updated often, contact us within 90 days from the date above.

For the fastest and easiest way to dispute information, visit:

www.experian.com/disputes

Or call 1 800 509 8495. Dispute services are available 24 hours a day, seven days a week.

Your personal credit report

Potentially negative items or items for further review

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred.

Accounts in good standing

Items display in this section when your creditor reports that you have satisfactorily met the terms of your agreements with them. Some creditors may not report consumer credit information to us, so all of your accounts may not be listed.

History of your account balances

Reports up to two years of your monthly balances on an account, if reported by your creditor.

Requests for your credit history

We list anyone that has reviewed your credit information in the last two years.

Personal information

This information is reported to us by you, your creditors and other sources.

Other Experian credit management tools

Score report

Order your Experian PLUS score report by calling 1 888 322 5583.

Credit Manager

Receive unlimited access to your credit report, score and other credit management tools at www.creditexpert.com.

About Experian

Experian collects and organizes information about you and your credit history from public records, your creditors and other reliable sources. By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as "Medical Information Provider". Consumer statements included on your report at your request that contain medical information are disclosed to others.

EXHIBIT 3

Prepared for
METLON LIZAMA
Report number
0773359986
Report date
June 20, 2005
www.experian.com/disputes
Call 1 800 509 8495

Potentially negative items or items for further review continued

QUANTUM COLLECTIONS		<i>Date opened</i>	<i>Date of status</i>	<i>Type</i>	<i>Responsibility</i>	<i>Credit limit or original amount</i>	<i>Recent balance</i>	<i>Status: Collection account. \$832 past due as of Feb 2003.</i>
NORTH LAS VEGAS NV 89030	<i>Partial account number</i>	Mar 2003	Feb 2003	Installment	Individual	\$741	\$832 as of Feb 2003	Collection history: Collection as of Feb 2003
356149252		Reported since Feb 2003	Last reported Feb 2003	Terms Months		High balance NA		

Original creditor: LAS VEGAS ATHLETIC CLUB

TRIAD FINANCIAL CORP		<i>Date opened</i>	<i>Date of status</i>	<i>Type</i>	<i>Responsibility</i>	<i>Credit limit or original amount</i>	<i>Recent balance</i>	<i>Status: Account charged off/Repossession. \$9,657 written off.</i>
7711 CENTER AVE STE 250	<i>HUNTINGTON BEACH CA</i>	Apr 2003	Aug 2004	Installment	Individual	\$19,902	\$0 as of Aug 2004	Account history: Repossession as of Jun 2004
92647	<i>Partial account number</i>	Reported since May 2003	Last reported Aug 2004	Terms 60 Months		High balance NA	Charge Off as of Aug 2004	90 days as of May 2004
4000015001011....				Monthly payment \$0			60 days as of Apr 2004, Nov 2003	30 days as of Mar 2004, Dec 2003, Oct 2003

Accounts in good standing

These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years.

Edit items

ACTION CARD/BANK FIRST		<i>Date opened</i>	<i>Date of status</i>	<i>Type</i>	<i>Responsibility</i>	<i>Credit limit or original amount</i>	<i>Recent balance</i>	<i>Status: Paid,Closed/Never late.</i>
245 PERIMETER CENTER PKW	<i>ATLANTA GA 30346</i>	Dec 2000	May 2005	Revolving	Individual	\$1,600	NA	
<i>Partial account number</i>		Reported since May 2003	Last reported May 2005	Terms NA		High balance \$1,024		
423133301001....				Monthly payment \$0				